



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4691

by Rep. Ron Sandack

SYNOPSIS AS INTRODUCED:

5 ILCS 315/3	from Ch. 48, par. 1603
5 ILCS 315/4	from Ch. 48, par. 1604
5 ILCS 315/6	from Ch. 48, par. 1606
5 ILCS 315/9	from Ch. 48, par. 1609
5 ILCS 315/10	from Ch. 48, par. 1610

Amends the Illinois Public Labor Relations Act. Removes language requiring employees who are not members of a representing labor organization to pay a proportionate share of the costs of the collective bargaining process, contract administration, and pursuing matters affecting wages, hours, and conditions of employment under a collective bargaining agreement. Provides that employees shall not be required to perform certain acts as a condition of obtaining or continuing public employment. Provides that an agreement, contract, understanding, or practice between or involving a public employer, labor organization, or exclusive representative that requires an employee to perform certain forbidden acts as a condition of obtaining or continuing public employment is unlawful and unenforceable. Removes language concerning fair share agreements in collective bargaining. Removes the term "fair share agreement". Makes conforming changes.

LRB099 18302 RJF 42675 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Sections 3, 4, 6, 9, and 10 as follows:

6 (5 ILCS 315/3) (from Ch. 48, par. 1603)

7 Sec. 3. Definitions. As used in this Act, unless the
8 context otherwise requires:

9 (a) "Board" means the Illinois Labor Relations Board or,
10 with respect to a matter over which the jurisdiction of the
11 Board is assigned to the State Panel or the Local Panel under
12 Section 5, the panel having jurisdiction over the matter.

13 (b) "Collective bargaining" means bargaining over terms
14 and conditions of employment, including hours, wages, and other
15 conditions of employment, as detailed in Section 7 and which
16 are not excluded by Section 4.

17 (c) "Confidential employee" means an employee who, in the
18 regular course of his or her duties, assists and acts in a
19 confidential capacity to persons who formulate, determine, and
20 effectuate management policies with regard to labor relations
21 or who, in the regular course of his or her duties, has
22 authorized access to information relating to the effectuation
23 or review of the employer's collective bargaining policies.

1 (d) "Craft employees" means skilled journeymen, crafts
2 persons, and their apprentices and helpers.

3 (e) "Essential services employees" means those public
4 employees performing functions so essential that the
5 interruption or termination of the function will constitute a
6 clear and present danger to the health and safety of the
7 persons in the affected community.

8 (f) "Exclusive representative", except with respect to
9 non-State fire fighters and paramedics employed by fire
10 departments and fire protection districts, non-State peace
11 officers, and peace officers in the Department of State Police,
12 means the labor organization that has been (i) designated by
13 the Board as the representative of a majority of public
14 employees in an appropriate bargaining unit in accordance with
15 the procedures contained in this Act, (ii) historically
16 recognized by the State of Illinois or any political
17 subdivision of the State before July 1, 1984 (the effective
18 date of this Act) as the exclusive representative of the
19 employees in an appropriate bargaining unit, (iii) after July
20 1, 1984 (the effective date of this Act) recognized by an
21 employer upon evidence, acceptable to the Board, that the labor
22 organization has been designated as the exclusive
23 representative by a majority of the employees in an appropriate
24 bargaining unit; (iv) recognized as the exclusive
25 representative of personal assistants under Executive Order
26 2003-8 prior to the effective date of this amendatory Act of

1 the 93rd General Assembly, and the organization shall be
2 considered to be the exclusive representative of the personal
3 assistants as defined in this Section; or (v) recognized as the
4 exclusive representative of child and day care home providers,
5 including licensed and license exempt providers, pursuant to an
6 election held under Executive Order 2005-1 prior to the
7 effective date of this amendatory Act of the 94th General
8 Assembly, and the organization shall be considered to be the
9 exclusive representative of the child and day care home
10 providers as defined in this Section.

11 With respect to non-State fire fighters and paramedics
12 employed by fire departments and fire protection districts,
13 non-State peace officers, and peace officers in the Department
14 of State Police, "exclusive representative" means the labor
15 organization that has been (i) designated by the Board as the
16 representative of a majority of peace officers or fire fighters
17 in an appropriate bargaining unit in accordance with the
18 procedures contained in this Act, (ii) historically recognized
19 by the State of Illinois or any political subdivision of the
20 State before January 1, 1986 (the effective date of this
21 amendatory Act of 1985) as the exclusive representative by a
22 majority of the peace officers or fire fighters in an
23 appropriate bargaining unit, or (iii) after January 1, 1986
24 (the effective date of this amendatory Act of 1985) recognized
25 by an employer upon evidence, acceptable to the Board, that the
26 labor organization has been designated as the exclusive

1 representative by a majority of the peace officers or fire
2 fighters in an appropriate bargaining unit.

3 Where a historical pattern of representation exists for the
4 workers of a water system that was owned by a public utility,
5 as defined in Section 3-105 of the Public Utilities Act, prior
6 to becoming certified employees of a municipality or
7 municipalities once the municipality or municipalities have
8 acquired the water system as authorized in Section 11-124-5 of
9 the Illinois Municipal Code, the Board shall find the labor
10 organization that has historically represented the workers to
11 be the exclusive representative under this Act, and shall find
12 the unit represented by the exclusive representative to be the
13 appropriate unit.

14 (g) (Blank). ~~"Fair share agreement" means an agreement~~
15 ~~between the employer and an employee organization under which~~
16 ~~all or any of the employees in a collective bargaining unit are~~
17 ~~required to pay their proportionate share of the costs of the~~
18 ~~collective bargaining process, contract administration, and~~
19 ~~pursuing matters affecting wages, hours, and other conditions~~
20 ~~of employment, but not to exceed the amount of dues uniformly~~
21 ~~required of members. The amount certified by the exclusive~~
22 ~~representative shall not include any fees for contributions~~
23 ~~related to the election or support of any candidate for~~
24 ~~political office. Nothing in this subsection (g) shall preclude~~
25 ~~an employee from making voluntary political contributions in~~
26 ~~conjunction with his or her fair share payment.~~

1 (g-1) "Fire fighter" means, for the purposes of this Act
2 only, any person who has been or is hereafter appointed to a
3 fire department or fire protection district or employed by a
4 state university and sworn or commissioned to perform fire
5 fighter duties or paramedic duties, except that the following
6 persons are not included: part-time fire fighters, auxiliary,
7 reserve or voluntary fire fighters, including paid on-call fire
8 fighters, clerks and dispatchers or other civilian employees of
9 a fire department or fire protection district who are not
10 routinely expected to perform fire fighter duties, or elected
11 officials.

12 (g-2) "General Assembly of the State of Illinois" means the
13 legislative branch of the government of the State of Illinois,
14 as provided for under Article IV of the Constitution of the
15 State of Illinois, and includes but is not limited to the House
16 of Representatives, the Senate, the Speaker of the House of
17 Representatives, the Minority Leader of the House of
18 Representatives, the President of the Senate, the Minority
19 Leader of the Senate, the Joint Committee on Legislative
20 Support Services and any legislative support services agency
21 listed in the Legislative Commission Reorganization Act of
22 1984.

23 (h) "Governing body" means, in the case of the State, the
24 State Panel of the Illinois Labor Relations Board, the Director
25 of the Department of Central Management Services, and the
26 Director of the Department of Labor; the county board in the

1 case of a county; the corporate authorities in the case of a
2 municipality; and the appropriate body authorized to provide
3 for expenditures of its funds in the case of any other unit of
4 government.

5 (i) "Labor organization" means any organization in which
6 public employees participate and that exists for the purpose,
7 in whole or in part, of dealing with a public employer
8 concerning wages, hours, and other terms and conditions of
9 employment, including the settlement of grievances.

10 (i-5) "Legislative liaison" means a person who is an
11 employee of a State agency, the Attorney General, the Secretary
12 of State, the Comptroller, or the Treasurer, as the case may
13 be, and whose job duties require the person to regularly
14 communicate in the course of his or her employment with any
15 official or staff of the General Assembly of the State of
16 Illinois for the purpose of influencing any legislative action.

17 (j) "Managerial employee" means an individual who is
18 engaged predominantly in executive and management functions
19 and is charged with the responsibility of directing the
20 effectuation of management policies and practices. With
21 respect only to State employees in positions under the
22 jurisdiction of the Attorney General, Secretary of State,
23 Comptroller, or Treasurer (i) that were certified in a
24 bargaining unit on or after December 2, 2008, (ii) for which a
25 petition is filed with the Illinois Public Labor Relations
26 Board on or after April 5, 2013 (the effective date of Public

1 Act 97-1172), or (iii) for which a petition is pending before
2 the Illinois Public Labor Relations Board on that date,
3 "managerial employee" means an individual who is engaged in
4 executive and management functions or who is charged with the
5 effectuation of management policies and practices or who
6 represents management interests by taking or recommending
7 discretionary actions that effectively control or implement
8 policy. Nothing in this definition prohibits an individual from
9 also meeting the definition of "supervisor" under subsection
10 (r) of this Section.

11 (k) "Peace officer" means, for the purposes of this Act
12 only, any persons who have been or are hereafter appointed to a
13 police force, department, or agency and sworn or commissioned
14 to perform police duties, except that the following persons are
15 not included: part-time police officers, special police
16 officers, auxiliary police as defined by Section 3.1-30-20 of
17 the Illinois Municipal Code, night watchmen, "merchant
18 police", court security officers as defined by Section 3-6012.1
19 of the Counties Code, temporary employees, traffic guards or
20 wardens, civilian parking meter and parking facilities
21 personnel or other individuals specially appointed to aid or
22 direct traffic at or near schools or public functions or to aid
23 in civil defense or disaster, parking enforcement employees who
24 are not commissioned as peace officers and who are not armed
25 and who are not routinely expected to effect arrests, parking
26 lot attendants, clerks and dispatchers or other civilian

1 employees of a police department who are not routinely expected
2 to effect arrests, or elected officials.

3 (1) "Person" includes one or more individuals, labor
4 organizations, public employees, associations, corporations,
5 legal representatives, trustees, trustees in bankruptcy,
6 receivers, or the State of Illinois or any political
7 subdivision of the State or governing body, but does not
8 include the General Assembly of the State of Illinois or any
9 individual employed by the General Assembly of the State of
10 Illinois.

11 (m) "Professional employee" means any employee engaged in
12 work predominantly intellectual and varied in character rather
13 than routine mental, manual, mechanical or physical work;
14 involving the consistent exercise of discretion and adjustment
15 in its performance; of such a character that the output
16 produced or the result accomplished cannot be standardized in
17 relation to a given period of time; and requiring advanced
18 knowledge in a field of science or learning customarily
19 acquired by a prolonged course of specialized intellectual
20 instruction and study in an institution of higher learning or a
21 hospital, as distinguished from a general academic education or
22 from apprenticeship or from training in the performance of
23 routine mental, manual, or physical processes; or any employee
24 who has completed the courses of specialized intellectual
25 instruction and study prescribed in this subsection (m) and is
26 performing related work under the supervision of a professional

1 person to qualify to become a professional employee as defined
2 in this subsection (m).

3 (n) "Public employee" or "employee", for the purposes of
4 this Act, means any individual employed by a public employer,
5 including (i) interns and residents at public hospitals, (ii)
6 as of the effective date of this amendatory Act of the 93rd
7 General Assembly, but not before, personal assistants working
8 under the Home Services Program under Section 3 of the
9 Rehabilitation of Persons with Disabilities Act, subject to the
10 limitations set forth in this Act and in the Rehabilitation of
11 Persons with Disabilities Act, (iii) as of the effective date
12 of this amendatory Act of the 94th General Assembly, but not
13 before, child and day care home providers participating in the
14 child care assistance program under Section 9A-11 of the
15 Illinois Public Aid Code, subject to the limitations set forth
16 in this Act and in Section 9A-11 of the Illinois Public Aid
17 Code, (iv) as of January 29, 2013 (the effective date of Public
18 Act 97-1158), but not before except as otherwise provided in
19 this subsection (n), home care and home health workers who
20 function as personal assistants and individual maintenance
21 home health workers and who also work under the Home Services
22 Program under Section 3 of the Rehabilitation of Persons with
23 Disabilities Act, no matter whether the State provides those
24 services through direct fee-for-service arrangements, with the
25 assistance of a managed care organization or other
26 intermediary, or otherwise, (v) beginning on the effective date

1 of this amendatory Act of the 98th General Assembly and
2 notwithstanding any other provision of this Act, any person
3 employed by a public employer and who is classified as or who
4 holds the employment title of Chief Stationary Engineer,
5 Assistant Chief Stationary Engineer, Sewage Plant Operator,
6 Water Plant Operator, Stationary Engineer, Plant Operating
7 Engineer, and any other employee who holds the position of:
8 Civil Engineer V, Civil Engineer VI, Civil Engineer VII,
9 Technical Manager I, Technical Manager II, Technical Manager
10 III, Technical Manager IV, Technical Manager V, Technical
11 Manager VI, Realty Specialist III, Realty Specialist IV, Realty
12 Specialist V, Technical Advisor I, Technical Advisor II,
13 Technical Advisor III, Technical Advisor IV, or Technical
14 Advisor V employed by the Department of Transportation who is
15 in a position which is certified in a bargaining unit on or
16 before the effective date of this amendatory Act of the 98th
17 General Assembly, and (vi) beginning on the effective date of
18 this amendatory Act of the 98th General Assembly and
19 notwithstanding any other provision of this Act, any mental
20 health administrator in the Department of Corrections who is
21 classified as or who holds the position of Public Service
22 Administrator (Option 8K), any employee of the Office of the
23 Inspector General in the Department of Human Services who is
24 classified as or who holds the position of Public Service
25 Administrator (Option 7), any Deputy of Intelligence in the
26 Department of Corrections who is classified as or who holds the

1 position of Public Service Administrator (Option 7), and any
2 employee of the Department of State Police who handles issues
3 concerning the Illinois State Police Sex Offender Registry and
4 who is classified as or holds the position of Public Service
5 Administrator (Option 7), but excluding all of the following:
6 employees of the General Assembly of the State of Illinois;
7 elected officials; executive heads of a department; members of
8 boards or commissions; the Executive Inspectors General; any
9 special Executive Inspectors General; employees of each Office
10 of an Executive Inspector General; commissioners and employees
11 of the Executive Ethics Commission; the Auditor General's
12 Inspector General; employees of the Office of the Auditor
13 General's Inspector General; the Legislative Inspector
14 General; any special Legislative Inspectors General; employees
15 of the Office of the Legislative Inspector General;
16 commissioners and employees of the Legislative Ethics
17 Commission; employees of any agency, board or commission
18 created by this Act; employees appointed to State positions of
19 a temporary or emergency nature; all employees of school
20 districts and higher education institutions except
21 firefighters and peace officers employed by a state university
22 and except peace officers employed by a school district in its
23 own police department in existence on the effective date of
24 this amendatory Act of the 96th General Assembly; managerial
25 employees; short-term employees; legislative liaisons; a
26 person who is a State employee under the jurisdiction of the

1 Office of the Attorney General who is licensed to practice law
2 or whose position authorizes, either directly or indirectly,
3 meaningful input into government decision-making on issues
4 where there is room for principled disagreement on goals or
5 their implementation; a person who is a State employee under
6 the jurisdiction of the Office of the Comptroller who holds the
7 position of Public Service Administrator or whose position is
8 otherwise exempt under the Comptroller Merit Employment Code; a
9 person who is a State employee under the jurisdiction of the
10 Secretary of State who holds the position classification of
11 Executive I or higher, whose position authorizes, either
12 directly or indirectly, meaningful input into government
13 decision-making on issues where there is room for principled
14 disagreement on goals or their implementation, or who is
15 otherwise exempt under the Secretary of State Merit Employment
16 Code; employees in the Office of the Secretary of State who are
17 completely exempt from jurisdiction B of the Secretary of State
18 Merit Employment Code and who are in Rutan-exempt positions on
19 or after April 5, 2013 (the effective date of Public Act
20 97-1172); a person who is a State employee under the
21 jurisdiction of the Treasurer who holds a position that is
22 exempt from the State Treasurer Employment Code; any employee
23 of a State agency who (i) holds the title or position of, or
24 exercises substantially similar duties as a legislative
25 liaison, Agency General Counsel, Agency Chief of Staff, Agency
26 Executive Director, Agency Deputy Director, Agency Chief

1 Fiscal Officer, Agency Human Resources Director, Public
2 Information Officer, or Chief Information Officer and (ii) was
3 neither included in a bargaining unit nor subject to an active
4 petition for certification in a bargaining unit; any employee
5 of a State agency who (i) is in a position that is
6 Rutan-exempt, as designated by the employer, and completely
7 exempt from jurisdiction B of the Personnel Code and (ii) was
8 neither included in a bargaining unit nor subject to an active
9 petition for certification in a bargaining unit; any term
10 appointed employee of a State agency pursuant to Section 8b.18
11 or 8b.19 of the Personnel Code who was neither included in a
12 bargaining unit nor subject to an active petition for
13 certification in a bargaining unit; any employment position
14 properly designated pursuant to Section 6.1 of this Act;
15 confidential employees; independent contractors; and
16 supervisors except as provided in this Act.

17 Home care and home health workers who function as personal
18 assistants and individual maintenance home health workers and
19 who also work under the Home Services Program under Section 3
20 of the Rehabilitation of Persons with Disabilities Act shall
21 not be considered public employees for any purposes not
22 specifically provided for in Public Act 93-204 or Public Act
23 97-1158, including but not limited to, purposes of vicarious
24 liability in tort and purposes of statutory retirement or
25 health insurance benefits. Home care and home health workers
26 who function as personal assistants and individual maintenance

1 home health workers and who also work under the Home Services
2 Program under Section 3 of the Rehabilitation of Persons with
3 Disabilities Act shall not be covered by the State Employees
4 Group Insurance Act of 1971 (5 ILCS 375/).

5 Child and day care home providers shall not be considered
6 public employees for any purposes not specifically provided for
7 in this amendatory Act of the 94th General Assembly, including
8 but not limited to, purposes of vicarious liability in tort and
9 purposes of statutory retirement or health insurance benefits.
10 Child and day care home providers shall not be covered by the
11 State Employees Group Insurance Act of 1971.

12 Notwithstanding Section 9, subsection (c), or any other
13 provisions of this Act, all peace officers above the rank of
14 captain in municipalities with more than 1,000,000 inhabitants
15 shall be excluded from this Act.

16 (o) Except as otherwise in subsection (o-5), "public
17 employer" or "employer" means the State of Illinois; any
18 political subdivision of the State, unit of local government or
19 school district; authorities including departments, divisions,
20 bureaus, boards, commissions, or other agencies of the
21 foregoing entities; and any person acting within the scope of
22 his or her authority, express or implied, on behalf of those
23 entities in dealing with its employees. As of the effective
24 date of the amendatory Act of the 93rd General Assembly, but
25 not before, the State of Illinois shall be considered the
26 employer of the personal assistants working under the Home

1 Services Program under Section 3 of the Rehabilitation of
2 Persons with Disabilities Act, subject to the limitations set
3 forth in this Act and in the Rehabilitation of Persons with
4 Disabilities Act. As of January 29, 2013 (the effective date of
5 Public Act 97-1158), but not before except as otherwise
6 provided in this subsection (o), the State shall be considered
7 the employer of home care and home health workers who function
8 as personal assistants and individual maintenance home health
9 workers and who also work under the Home Services Program under
10 Section 3 of the Rehabilitation of Persons with Disabilities
11 Act, no matter whether the State provides those services
12 through direct fee-for-service arrangements, with the
13 assistance of a managed care organization or other
14 intermediary, or otherwise, but subject to the limitations set
15 forth in this Act and the Rehabilitation of Persons with
16 Disabilities Act. The State shall not be considered to be the
17 employer of home care and home health workers who function as
18 personal assistants and individual maintenance home health
19 workers and who also work under the Home Services Program under
20 Section 3 of the Rehabilitation of Persons with Disabilities
21 Act, for any purposes not specifically provided for in Public
22 Act 93-204 or Public Act 97-1158, including but not limited to,
23 purposes of vicarious liability in tort and purposes of
24 statutory retirement or health insurance benefits. Home care
25 and home health workers who function as personal assistants and
26 individual maintenance home health workers and who also work

1 under the Home Services Program under Section 3 of the
2 Rehabilitation of Persons with Disabilities Act shall not be
3 covered by the State Employees Group Insurance Act of 1971 (5
4 ILCS 375/). As of the effective date of this amendatory Act of
5 the 94th General Assembly but not before, the State of Illinois
6 shall be considered the employer of the day and child care home
7 providers participating in the child care assistance program
8 under Section 9A-11 of the Illinois Public Aid Code, subject to
9 the limitations set forth in this Act and in Section 9A-11 of
10 the Illinois Public Aid Code. The State shall not be considered
11 to be the employer of child and day care home providers for any
12 purposes not specifically provided for in this amendatory Act
13 of the 94th General Assembly, including but not limited to,
14 purposes of vicarious liability in tort and purposes of
15 statutory retirement or health insurance benefits. Child and
16 day care home providers shall not be covered by the State
17 Employees Group Insurance Act of 1971.

18 "Public employer" or "employer" as used in this Act,
19 however, does not mean and shall not include the General
20 Assembly of the State of Illinois, the Executive Ethics
21 Commission, the Offices of the Executive Inspectors General,
22 the Legislative Ethics Commission, the Office of the
23 Legislative Inspector General, the Office of the Auditor
24 General's Inspector General, the Office of the Governor, the
25 Governor's Office of Management and Budget, the Illinois
26 Finance Authority, the Office of the Lieutenant Governor, the

1 State Board of Elections, and educational employers or
2 employers as defined in the Illinois Educational Labor
3 Relations Act, except with respect to a state university in its
4 employment of firefighters and peace officers and except with
5 respect to a school district in the employment of peace
6 officers in its own police department in existence on the
7 effective date of this amendatory Act of the 96th General
8 Assembly. County boards and county sheriffs shall be designated
9 as joint or co-employers of county peace officers appointed
10 under the authority of a county sheriff. Nothing in this
11 subsection (o) shall be construed to prevent the State Panel or
12 the Local Panel from determining that employers are joint or
13 co-employers.

14 (o-5) With respect to wages, fringe benefits, hours,
15 holidays, vacations, proficiency examinations, sick leave, and
16 other conditions of employment, the public employer of public
17 employees who are court reporters, as defined in the Court
18 Reporters Act, shall be determined as follows:

19 (1) For court reporters employed by the Cook County
20 Judicial Circuit, the chief judge of the Cook County
21 Circuit Court is the public employer and employer
22 representative.

23 (2) For court reporters employed by the 12th, 18th,
24 19th, and, on and after December 4, 2006, the 22nd judicial
25 circuits, a group consisting of the chief judges of those
26 circuits, acting jointly by majority vote, is the public

1 employer and employer representative.

2 (3) For court reporters employed by all other judicial
3 circuits, a group consisting of the chief judges of those
4 circuits, acting jointly by majority vote, is the public
5 employer and employer representative.

6 (p) "Security employee" means an employee who is
7 responsible for the supervision and control of inmates at
8 correctional facilities. The term also includes other
9 non-security employees in bargaining units having the majority
10 of employees being responsible for the supervision and control
11 of inmates at correctional facilities.

12 (q) "Short-term employee" means an employee who is employed
13 for less than 2 consecutive calendar quarters during a calendar
14 year and who does not have a reasonable assurance that he or
15 she will be rehired by the same employer for the same service
16 in a subsequent calendar year.

17 (q-5) "State agency" means an agency directly responsible
18 to the Governor, as defined in Section 3.1 of the Executive
19 Reorganization Implementation Act, and the Illinois Commerce
20 Commission, the Illinois Workers' Compensation Commission, the
21 Civil Service Commission, the Pollution Control Board, the
22 Illinois Racing Board, and the Department of State Police Merit
23 Board.

24 (r) "Supervisor" is:

25 (1) An employee whose principal work is substantially
26 different from that of his or her subordinates and who has

1 authority, in the interest of the employer, to hire,
2 transfer, suspend, lay off, recall, promote, discharge,
3 direct, reward, or discipline employees, to adjust their
4 grievances, or to effectively recommend any of those
5 actions, if the exercise of that authority is not of a
6 merely routine or clerical nature, but requires the
7 consistent use of independent judgment. Except with
8 respect to police employment, the term "supervisor"
9 includes only those individuals who devote a preponderance
10 of their employment time to exercising that authority,
11 State supervisors notwithstanding. Nothing in this
12 definition prohibits an individual from also meeting the
13 definition of "managerial employee" under subsection (j)
14 of this Section. In addition, in determining supervisory
15 status in police employment, rank shall not be
16 determinative. The Board shall consider, as evidence of
17 bargaining unit inclusion or exclusion, the common law
18 enforcement policies and relationships between police
19 officer ranks and certification under applicable civil
20 service law, ordinances, personnel codes, or Division 2.1
21 of Article 10 of the Illinois Municipal Code, but these
22 factors shall not be the sole or predominant factors
23 considered by the Board in determining police supervisory
24 status.

25 Notwithstanding the provisions of the preceding
26 paragraph, in determining supervisory status in fire

1 fighter employment, no fire fighter shall be excluded as a
2 supervisor who has established representation rights under
3 Section 9 of this Act. Further, in new fire fighter units,
4 employees shall consist of fire fighters of the rank of
5 company officer and below. If a company officer otherwise
6 qualifies as a supervisor under the preceding paragraph,
7 however, he or she shall not be included in the fire
8 fighter unit. If there is no rank between that of chief and
9 the highest company officer, the employer may designate a
10 position on each shift as a Shift Commander, and the
11 persons occupying those positions shall be supervisors.
12 All other ranks above that of company officer shall be
13 supervisors.

14 (2) With respect only to State employees in positions
15 under the jurisdiction of the Attorney General, Secretary
16 of State, Comptroller, or Treasurer (i) that were certified
17 in a bargaining unit on or after December 2, 2008, (ii) for
18 which a petition is filed with the Illinois Public Labor
19 Relations Board on or after April 5, 2013 (the effective
20 date of Public Act 97-1172), or (iii) for which a petition
21 is pending before the Illinois Public Labor Relations Board
22 on that date, an employee who qualifies as a supervisor
23 under (A) Section 152 of the National Labor Relations Act
24 and (B) orders of the National Labor Relations Board
25 interpreting that provision or decisions of courts
26 reviewing decisions of the National Labor Relations Board.

1 (s) (1) "Unit" means a class of jobs or positions that are
2 held by employees whose collective interests may suitably be
3 represented by a labor organization for collective bargaining.
4 Except with respect to non-State fire fighters and paramedics
5 employed by fire departments and fire protection districts,
6 non-State peace officers, and peace officers in the Department
7 of State Police, a bargaining unit determined by the Board
8 shall not include both employees and supervisors, or
9 supervisors only, except as provided in paragraph (2) of this
10 subsection (s) and except for bargaining units in existence on
11 July 1, 1984 (the effective date of this Act). With respect to
12 non-State fire fighters and paramedics employed by fire
13 departments and fire protection districts, non-State peace
14 officers, and peace officers in the Department of State Police,
15 a bargaining unit determined by the Board shall not include
16 both supervisors and nonsupervisors, or supervisors only,
17 except as provided in paragraph (2) of this subsection (s) and
18 except for bargaining units in existence on January 1, 1986
19 (the effective date of this amendatory Act of 1985). A
20 bargaining unit determined by the Board to contain peace
21 officers shall contain no employees other than peace officers
22 unless otherwise agreed to by the employer and the labor
23 organization or labor organizations involved. Notwithstanding
24 any other provision of this Act, a bargaining unit, including a
25 historical bargaining unit, containing sworn peace officers of
26 the Department of Natural Resources (formerly designated the

1 Department of Conservation) shall contain no employees other
2 than such sworn peace officers upon the effective date of this
3 amendatory Act of 1990 or upon the expiration date of any
4 collective bargaining agreement in effect upon the effective
5 date of this amendatory Act of 1990 covering both such sworn
6 peace officers and other employees.

7 (2) Notwithstanding the exclusion of supervisors from
8 bargaining units as provided in paragraph (1) of this
9 subsection (s), a public employer may agree to permit its
10 supervisory employees to form bargaining units and may bargain
11 with those units. This Act shall apply if the public employer
12 chooses to bargain under this subsection.

13 (3) Public employees who are court reporters, as defined in
14 the Court Reporters Act, shall be divided into 3 units for
15 collective bargaining purposes. One unit shall be court
16 reporters employed by the Cook County Judicial Circuit; one
17 unit shall be court reporters employed by the 12th, 18th, 19th,
18 and, on and after December 4, 2006, the 22nd judicial circuits;
19 and one unit shall be court reporters employed by all other
20 judicial circuits.

21 (t) "Active petition for certification in a bargaining
22 unit" means a petition for certification filed with the Board
23 under one of the following case numbers: S-RC-11-110;
24 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;
25 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;
26 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;

1 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;
2 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;
3 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;
4 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;
5 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;
6 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;
7 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;
8 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;
9 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;
10 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or
11 S-RC-07-100.

12 (Source: P.A. 98-100, eff. 7-19-13; 98-1004, eff. 8-18-14;
13 99-143, eff. 7-27-15.)

14 (5 ILCS 315/4) (from Ch. 48, par. 1604)

15 (Text of Section WITH the changes made by P.A. 98-599,
16 which has been held unconstitutional)

17 Sec. 4. Management Rights. Employers shall not be required
18 to bargain over matters of inherent managerial policy, which
19 shall include such areas of discretion or policy as the
20 functions of the employer, standards of services, its overall
21 budget, the organizational structure and selection of new
22 employees, examination techniques and direction of employees.
23 Employers, however, shall be required to bargain collectively
24 with regard to policy matters directly affecting wages, hours
25 and terms and conditions of employment as well as the impact

1 thereon upon request by employee representatives, except as
2 provided in Section 7.5.

3 To preserve the rights of employers and exclusive
4 representatives which have established collective bargaining
5 relationships or negotiated collective bargaining agreements
6 prior to the effective date of this Act, employers shall be
7 required to bargain collectively with regard to any matter
8 concerning wages, hours or conditions of employment about which
9 they have bargained for and agreed to in a collective
10 bargaining agreement prior to the effective date of this Act,
11 except as provided in Section 7.5.

12 The chief judge of the judicial circuit that employs a
13 public employee who is a court reporter, as defined in the
14 Court Reporters Act, has the authority to hire, appoint,
15 promote, evaluate, discipline, and discharge court reporters
16 within that judicial circuit.

17 Nothing in this amendatory Act of the 94th General Assembly
18 shall be construed to intrude upon the judicial functions of
19 any court. This amendatory Act of the 94th General Assembly
20 applies only to nonjudicial administrative matters relating to
21 the collective bargaining rights of court reporters.

22 (Source: P.A. 98-599, eff. 6-1-14.)

23 (Text of Section WITHOUT the changes made by P.A. 98-599,
24 which has been held unconstitutional)

25 Sec. 4. Management Rights. Employers shall not be required

1 to bargain over matters of inherent managerial policy, which
2 shall include such areas of discretion or policy as the
3 functions of the employer, standards of services, its overall
4 budget, the organizational structure and selection of new
5 employees, examination techniques and direction of employees.
6 Employers, however, shall be required to bargain collectively
7 with regard to policy matters directly affecting wages, hours
8 and terms and conditions of employment as well as the impact
9 thereon upon request by employee representatives.

10 To preserve the rights of employers and exclusive
11 representatives which have established collective bargaining
12 relationships or negotiated collective bargaining agreements
13 prior to the effective date of this Act, employers shall be
14 required to bargain collectively with regard to any matter
15 concerning wages, hours or conditions of employment about which
16 they have bargained for and agreed to in a collective
17 bargaining agreement prior to the effective date of this Act,
18 except as provided in subsection (e-1) of Section 6.

19 The chief judge of the judicial circuit that employs a
20 public employee who is a court reporter, as defined in the
21 Court Reporters Act, has the authority to hire, appoint,
22 promote, evaluate, discipline, and discharge court reporters
23 within that judicial circuit.

24 Nothing in this amendatory Act of the 94th General Assembly
25 shall be construed to intrude upon the judicial functions of
26 any court. This amendatory Act of the 94th General Assembly

1 applies only to nonjudicial administrative matters relating to
2 the collective bargaining rights of court reporters.

3 (Source: P.A. 94-98, eff. 7-1-05.)

4 (5 ILCS 315/6) (from Ch. 48, par. 1606)

5 Sec. 6. Right to organize and bargain collectively;
6 exclusive representation; and right to work ~~fair share~~
7 ~~arrangements~~.

8 (a) Employees of the State and any political subdivision of
9 the State, excluding employees of the General Assembly of the
10 State of Illinois and employees excluded from the definition of
11 "public employee" under subsection (n) of Section 3 of this
12 Act, have, and are protected in the exercise of, the right of
13 self-organization, and may form, join or assist any labor
14 organization, to bargain collectively through representatives
15 of their own choosing on questions of wages, hours and other
16 conditions of employment, not excluded by Section 4 of this
17 Act, and to engage in other concerted activities not otherwise
18 prohibited by law for the purposes of collective bargaining or
19 other mutual aid or protection, free from interference,
20 restraint or coercion. Employees also have, and are protected
21 in the exercise of, the right to refrain from participating in
22 any such concerted activities. ~~Employees may be required,~~
23 ~~pursuant to the terms of a lawful fair share agreement, to pay~~
24 ~~a fee which shall be their proportionate share of the costs of~~
25 ~~the collective bargaining process, contract administration and~~

1 ~~pursuing matters affecting wages, hours and other conditions of~~
2 ~~employment as defined in Section 3(g).~~

3 (b) Nothing in this Act prevents an employee from
4 presenting a grievance to the employer and having the grievance
5 heard and settled without the intervention of an employee
6 organization; provided that the exclusive bargaining
7 representative is afforded the opportunity to be present at
8 such conference and that any settlement made shall not be
9 inconsistent with the terms of any agreement in effect between
10 the employer and the exclusive bargaining representative.

11 (c) A labor organization designated by the Board as the
12 representative of the majority of public employees in an
13 appropriate unit in accordance with the procedures herein or
14 recognized by a public employer as the representative of the
15 majority of public employees in an appropriate unit is the
16 exclusive representative for the employees of such unit for the
17 purpose of collective bargaining with respect to rates of pay,
18 wages, hours and other conditions of employment not excluded by
19 Section 4 of this Act. A public employer is required upon
20 request to furnish the exclusive bargaining representative
21 with a complete list of the names and addresses of the public
22 employees in the bargaining unit, provided that a public
23 employer shall not be required to furnish such a list more than
24 once per payroll period. The exclusive bargaining
25 representative shall use the list exclusively for bargaining
26 representation purposes and shall not disclose any information

1 contained in the list for any other purpose. Nothing in this
2 Section, however, shall prohibit a bargaining representative
3 from disseminating a list of its union members.

4 (d) Labor organizations recognized by a public employer as
5 the exclusive representative or so designated in accordance
6 with the provisions of this Act are responsible for
7 representing the interests of all public employees in the unit.
8 Nothing herein shall be construed to limit an exclusive
9 representative's right to exercise its discretion to refuse to
10 process grievances of employees that are unmeritorious.

11 (e) (Blank). ~~When a collective bargaining agreement is~~
12 ~~entered into with an exclusive representative, it may include~~
13 ~~in the agreement a provision requiring employees covered by the~~
14 ~~agreement who are not members of the organization to pay their~~
15 ~~proportionate share of the costs of the collective bargaining~~
16 ~~process, contract administration and pursuing matters~~
17 ~~affecting wages, hours and conditions of employment, as defined~~
18 ~~in Section 3 (g), but not to exceed the amount of dues~~
19 ~~uniformly required of members. The organization shall certify~~
20 ~~to the employer the amount constituting each nonmember~~
21 ~~employee's proportionate share which shall not exceed dues~~
22 ~~uniformly required of members. In such case, the proportionate~~
23 ~~share payment in this Section shall be deducted by the employer~~
24 ~~from the earnings of the nonmember employees and paid to the~~
25 ~~employee organization.~~

26 (e-1) Employees shall not be required as a condition of

1 obtaining or continuing public employment to do any of the
2 following:

3 (1) refrain or resign from membership in, voluntary
4 affiliation with, or voluntary financial support of a labor
5 organization or bargaining representative;

6 (2) become or remain a member of a labor organization
7 or bargaining representative;

8 (3) pay any dues, fees, assessments, or other charges
9 or expenses of any kind or amount, or provide anything of
10 value to a labor organization or bargaining
11 representative; or

12 (4) pay to any charitable organization or third party
13 any amount that is in lieu of, equivalent to, or any
14 portion of dues, fees, assessments, or other charges or
15 expenses required of members of or public employees
16 represented by a labor organization or bargaining
17 representative.

18 (e-3) An agreement, contract, understanding, or practice
19 between or involving a public employer, labor organization, or
20 exclusive representative that violates subsection (e-1) is
21 unlawful and unenforceable. This subsection applies only to an
22 agreement, contract, understanding, or practice that takes
23 effect, modified, or is extended or renewed after the effective
24 date of this amendatory Act of the 99th General Assembly, and
25 the following provisions shall apply:

26 (1) The court of appeals has exclusive original

1 jurisdiction over any action challenging the validity of
2 subsections (e-1). The court of appeals shall hear the
3 action in an expedited manner.

4 (2) A person, public employer, or labor organization
5 that violates subsection (e-1) is liable for a civil fine
6 of not more than \$500.00. A civil fine recovered under this
7 Section shall be submitted to the State Treasurer for
8 deposit in the General Revenue Fund.

9 (3) Except for actions required to be brought under
10 paragraph (1) of this subsection (e-3), a person who
11 suffers an injury as a result of a violation or threatened
12 violation of subsection (e-1) may bring a civil action for
13 damages, injunctive relief, or both. In addition, a court
14 shall award court costs and reasonable attorney fees to a
15 plaintiff who prevails in an action brought under this
16 subsection. Remedies provided in this subsection are
17 independent of and in addition to other penalties and
18 remedies prescribed by this Act.

19 (f) Only the exclusive representative may negotiate
20 provisions in a collective bargaining agreement providing for
21 the payroll deduction of labor organization dues, ~~fair share~~
22 ~~payment,~~ initiation fees and assessments. Any ~~Except as~~
23 ~~provided in subsection (c) of this Section, any~~ such deductions
24 shall only be made upon an employee's written authorization,
25 and continued until revoked in writing in the same manner or
26 until the termination date of an applicable collective

1 bargaining agreement. Such payments shall be paid to the
2 exclusive representative.

3 Where a collective bargaining agreement is terminated, or
4 continues in effect beyond its scheduled expiration date
5 pending the negotiation of a successor agreement or the
6 resolution of an impasse under Section 14, the employer shall
7 continue to honor and abide by any dues deduction ~~or fair share~~
8 clause contained therein until a new agreement is reached
9 including a dues deduction ~~or a fair share~~ clause. For the
10 benefit of any successor exclusive representative certified
11 under this Act, this provision shall be applicable, provided
12 the successor exclusive representative: ~~(i) certifies to the~~
13 ~~employer the amount constituting each non-member's~~
14 ~~proportionate share under subsection (c); or (ii) presents the~~
15 employer with employee written authorizations for the
16 deduction of dues, assessments, and fees under this subsection.

17 Failure to so honor and abide by dues deduction ~~or fair~~
18 ~~share~~ clauses for the benefit of any exclusive representative,
19 including a successor, shall be a violation of the duty to
20 bargain and an unfair labor practice.

21 (g) (Blank). ~~Agreements containing a fair share agreement~~
22 ~~must safeguard the right of nonassociation of employees based~~
23 ~~upon bona fide religious tenets or teachings of a church or~~
24 ~~religious body of which such employees are members. Such~~
25 ~~employees may be required to pay an amount equal to their fair~~
26 ~~share, determined under a lawful fair share agreement, to a~~

1 ~~nonreligious charitable organization mutually agreed upon by~~
2 ~~the employees affected and the exclusive bargaining~~
3 ~~representative to which such employees would otherwise pay such~~
4 ~~service fee. If the affected employees and the bargaining~~
5 ~~representative are unable to reach an agreement on the matter,~~
6 ~~the Board may establish an approved list of charitable~~
7 ~~organizations to which such payments may be made.~~

8 (Source: P.A. 97-1172, eff. 4-5-13.)

9 (5 ILCS 315/9) (from Ch. 48, par. 1609)

10 Sec. 9. Elections; recognition.

11 (a) Whenever in accordance with such regulations as may be
12 prescribed by the Board a petition has been filed:

13 (1) by a public employee or group of public employees
14 or any labor organization acting in their behalf
15 demonstrating that 30% of the public employees in an
16 appropriate unit (A) wish to be represented for the
17 purposes of collective bargaining by a labor organization
18 as exclusive representative, or (B) asserting that the
19 labor organization which has been certified or is currently
20 recognized by the public employer as bargaining
21 representative is no longer the representative of the
22 majority of public employees in the unit; or

23 (2) by a public employer alleging that one or more
24 labor organizations have presented to it a claim that they
25 be recognized as the representative of a majority of the

1 public employees in an appropriate unit,
2 the Board shall investigate such petition, and if it has
3 reasonable cause to believe that a question of representation
4 exists, shall provide for an appropriate hearing upon due
5 notice. Such hearing shall be held at the offices of the Board
6 or such other location as the Board deems appropriate. If it
7 finds upon the record of the hearing that a question of
8 representation exists, it shall direct an election in
9 accordance with subsection (d) of this Section, which election
10 shall be held not later than 120 days after the date the
11 petition was filed regardless of whether that petition was
12 filed before or after the effective date of this amendatory Act
13 of 1987; provided, however, the Board may extend the time for
14 holding an election by an additional 60 days if, upon motion by
15 a person who has filed a petition under this Section or is the
16 subject of a petition filed under this Section and is a party
17 to such hearing, or upon the Board's own motion, the Board
18 finds that good cause has been shown for extending the election
19 date; provided further, that nothing in this Section shall
20 prohibit the Board, in its discretion, from extending the time
21 for holding an election for so long as may be necessary under
22 the circumstances, where the purpose for such extension is to
23 permit resolution by the Board of an unfair labor practice
24 charge filed by one of the parties to a representational
25 proceeding against the other based upon conduct which may
26 either affect the existence of a question concerning

1 representation or have a tendency to interfere with a fair and
2 free election, where the party filing the charge has not filed
3 a request to proceed with the election; and provided further
4 that prior to the expiration of the total time allotted for
5 holding an election, a person who has filed a petition under
6 this Section or is the subject of a petition filed under this
7 Section and is a party to such hearing or the Board, may move
8 for and obtain the entry of an order in the circuit court of
9 the county in which the majority of the public employees sought
10 to be represented by such person reside, such order extending
11 the date upon which the election shall be held. Such order
12 shall be issued by the circuit court only upon a judicial
13 finding that there has been a sufficient showing that there is
14 good cause to extend the election date beyond such period and
15 shall require the Board to hold the election as soon as is
16 feasible given the totality of the circumstances. Such 120 day
17 period may be extended one or more times by the agreement of
18 all parties to the hearing to a date certain without the
19 necessity of obtaining a court order. Nothing in this Section
20 prohibits the waiving of hearings by stipulation for the
21 purpose of a consent election in conformity with the rules and
22 regulations of the Board or an election in a unit agreed upon
23 by the parties. Other interested employee organizations may
24 intervene in the proceedings in the manner and within the time
25 period specified by rules and regulations of the Board.
26 Interested parties who are necessary to the proceedings may

1 also intervene in the proceedings in the manner and within the
2 time period specified by the rules and regulations of the
3 Board.

4 (a-5) The Board shall designate an exclusive
5 representative for purposes of collective bargaining when the
6 representative demonstrates a showing of majority interest by
7 employees in the unit. If the parties to a dispute are without
8 agreement on the means to ascertain the choice, if any, of
9 employee organization as their representative, the Board shall
10 ascertain the employees' choice of employee organization, on
11 the basis of dues deduction authorization or other evidence,
12 or, if necessary, by conducting an election. All evidence
13 submitted by an employee organization to the Board to ascertain
14 an employee's choice of an employee organization is
15 confidential and shall not be submitted to the employer for
16 review. The Board shall ascertain the employee's choice of
17 employee organization within 120 days after the filing of the
18 majority interest petition; however, the Board may extend time
19 by an additional 60 days, upon its own motion or upon the
20 motion of a party to the proceeding. If either party provides
21 to the Board, before the designation of a representative, clear
22 and convincing evidence that the dues deduction
23 authorizations, and other evidence upon which the Board would
24 otherwise rely to ascertain the employees' choice of
25 representative, are fraudulent or were obtained through
26 coercion, the Board shall promptly thereafter conduct an

1 election. The Board shall also investigate and consider a
2 party's allegations that the dues deduction authorizations and
3 other evidence submitted in support of a designation of
4 representative without an election were subsequently changed,
5 altered, withdrawn, or withheld as a result of employer fraud,
6 coercion, or any other unfair labor practice by the employer.
7 If the Board determines that a labor organization would have
8 had a majority interest but for an employer's fraud, coercion,
9 or unfair labor practice, it shall designate the labor
10 organization as an exclusive representative without conducting
11 an election. If a hearing is necessary to resolve any issues of
12 representation under this Section, the Board shall conclude its
13 hearing process and issue a certification of the entire
14 appropriate unit not later than 120 days after the date the
15 petition was filed. The 120-day period may be extended one or
16 more times by the agreement of all parties to a hearing to a
17 date certain.

18 (a-6) A labor organization or an employer may file a unit
19 clarification petition seeking to clarify an existing
20 bargaining unit. The Board shall conclude its investigation,
21 including any hearing process deemed necessary, and issue a
22 certification of clarified unit or dismiss the petition not
23 later than 120 days after the date the petition was filed. The
24 120-day period may be extended one or more times by the
25 agreement of all parties to a hearing to a date certain.

26 (b) The Board shall decide in each case, in order to assure

1 public employees the fullest freedom in exercising the rights
2 guaranteed by this Act, a unit appropriate for the purpose of
3 collective bargaining, based upon but not limited to such
4 factors as: historical pattern of recognition; community of
5 interest including employee skills and functions; degree of
6 functional integration; interchangeability and contact among
7 employees; fragmentation of employee groups; common
8 supervision, wages, hours and other working conditions of the
9 employees involved; and the desires of the employees. For
10 purposes of this subsection, fragmentation shall not be the
11 sole or predominant factor used by the Board in determining an
12 appropriate bargaining unit. Except with respect to non-State
13 fire fighters and paramedics employed by fire departments and
14 fire protection districts, non-State peace officers and peace
15 officers in the State Department of State Police, a single
16 bargaining unit determined by the Board may not include both
17 supervisors and nonsupervisors, except for bargaining units in
18 existence on the effective date of this Act. With respect to
19 non-State fire fighters and paramedics employed by fire
20 departments and fire protection districts, non-State peace
21 officers and peace officers in the State Department of State
22 Police, a single bargaining unit determined by the Board may
23 not include both supervisors and nonsupervisors, except for
24 bargaining units in existence on the effective date of this
25 amendatory Act of 1985.

26 In cases involving an historical pattern of recognition,

1 and in cases where the employer has recognized the union as the
2 sole and exclusive bargaining agent for a specified existing
3 unit, the Board shall find the employees in the unit then
4 represented by the union pursuant to the recognition to be the
5 appropriate unit.

6 Notwithstanding the above factors, where the majority of
7 public employees of a craft so decide, the Board shall
8 designate such craft as a unit appropriate for the purposes of
9 collective bargaining.

10 The Board shall not decide that any unit is appropriate if
11 such unit includes both professional and nonprofessional
12 employees, unless a majority of each group votes for inclusion
13 in such unit.

14 (c) Except as provided in subsection (e-1) of Section 6,
15 nothing ~~Nothing~~ in this Act shall interfere with or negate the
16 current representation rights or patterns and practices of
17 labor organizations which have historically represented public
18 employees for the purpose of collective bargaining, including
19 but not limited to the negotiations of wages, hours and working
20 conditions, discussions of employees' grievances, resolution
21 of jurisdictional disputes, or the establishment and
22 maintenance of prevailing wage rates, unless a majority of
23 employees so represented express a contrary desire pursuant to
24 the procedures set forth in this Act.

25 (d) In instances where the employer does not voluntarily
26 recognize a labor organization as the exclusive bargaining

1 representative for a unit of employees, the Board shall
2 determine the majority representative of the public employees
3 in an appropriate collective bargaining unit by conducting a
4 secret ballot election, except as otherwise provided in
5 subsection (a-5). Within 7 days after the Board issues its
6 bargaining unit determination and direction of election or the
7 execution of a stipulation for the purpose of a consent
8 election, the public employer shall submit to the labor
9 organization the complete names and addresses of those
10 employees who are determined by the Board to be eligible to
11 participate in the election. When the Board has determined that
12 a labor organization has been fairly and freely chosen by a
13 majority of employees in an appropriate unit, it shall certify
14 such organization as the exclusive representative. If the Board
15 determines that a majority of employees in an appropriate unit
16 has fairly and freely chosen not to be represented by a labor
17 organization, it shall so certify. The Board may also revoke
18 the certification of the public employee organizations as
19 exclusive bargaining representatives which have been found by a
20 secret ballot election to be no longer the majority
21 representative.

22 (e) The Board shall not conduct an election in any
23 bargaining unit or any subdivision thereof within which a valid
24 election has been held in the preceding 12-month period. The
25 Board shall determine who is eligible to vote in an election
26 and shall establish rules governing the conduct of the election

1 or conduct affecting the results of the election. The Board
2 shall include on a ballot in a representation election a choice
3 of "no representation". A labor organization currently
4 representing the bargaining unit of employees shall be placed
5 on the ballot in any representation election. In any election
6 where none of the choices on the ballot receives a majority, a
7 runoff election shall be conducted between the 2 choices
8 receiving the largest number of valid votes cast in the
9 election. A labor organization which receives a majority of the
10 votes cast in an election shall be certified by the Board as
11 exclusive representative of all public employees in the unit.

12 (f) A labor organization shall be designated as the
13 exclusive representative by a public employer, provided that
14 the labor organization represents a majority of the public
15 employees in an appropriate unit. Any employee organization
16 which is designated or selected by the majority of public
17 employees, in a unit of the public employer having no other
18 recognized or certified representative, as their
19 representative for purposes of collective bargaining may
20 request recognition by the public employer in writing. The
21 public employer shall post such request for a period of at
22 least 20 days following its receipt thereof on bulletin boards
23 or other places used or reserved for employee notices.

24 (g) Within the 20-day period any other interested employee
25 organization may petition the Board in the manner specified by
26 rules and regulations of the Board, provided that such

1 interested employee organization has been designated by at
2 least 10% of the employees in an appropriate bargaining unit
3 which includes all or some of the employees in the unit
4 recognized by the employer. In such event, the Board shall
5 proceed with the petition in the same manner as provided by
6 paragraph (1) of subsection (a) of this Section.

7 (h) No election shall be directed by the Board in any
8 bargaining unit where there is in force a valid collective
9 bargaining agreement. The Board, however, may process an
10 election petition filed between 90 and 60 days prior to the
11 expiration of the date of an agreement, and may further refine,
12 by rule or decision, the implementation of this provision.
13 Where more than 4 years have elapsed since the effective date
14 of the agreement, the agreement shall continue to bar an
15 election, except that the Board may process an election
16 petition filed between 90 and 60 days prior to the end of the
17 fifth year of such an agreement, and between 90 and 60 days
18 prior to the end of each successive year of such agreement.

19 (i) An order of the Board dismissing a representation
20 petition, determining and certifying that a labor organization
21 has been fairly and freely chosen by a majority of employees in
22 an appropriate bargaining unit, determining and certifying
23 that a labor organization has not been fairly and freely chosen
24 by a majority of employees in the bargaining unit or certifying
25 a labor organization as the exclusive representative of
26 employees in an appropriate bargaining unit because of a

1 determination by the Board that the labor organization is the
2 historical bargaining representative of employees in the
3 bargaining unit, is a final order. Any person aggrieved by any
4 such order issued on or after the effective date of this
5 amendatory Act of 1987 may apply for and obtain judicial review
6 in accordance with provisions of the Administrative Review Law,
7 as now or hereafter amended, except that such review shall be
8 afforded directly in the Appellate Court for the district in
9 which the aggrieved party resides or transacts business. Any
10 direct appeal to the Appellate Court shall be filed within 35
11 days from the date that a copy of the decision sought to be
12 reviewed was served upon the party affected by the decision.

13 (Source: P.A. 95-331, eff. 8-21-07; 96-813, eff. 10-30-09.)

14 (5 ILCS 315/10) (from Ch. 48, par. 1610)

15 Sec. 10. Unfair labor practices.

16 (a) It shall be an unfair labor practice for an employer or
17 its agents:

18 (1) to interfere with, restrain or coerce public
19 employees in the exercise of the rights guaranteed in this
20 Act or to dominate or interfere with the formation,
21 existence or administration of any labor organization or
22 contribute financial or other support to it; provided, an
23 employer shall not be prohibited from permitting employees
24 to confer with him during working hours without loss of
25 time or pay;

1 (2) to discriminate in regard to hire or tenure of
2 employment or any term or condition of employment in order
3 to encourage or discourage membership in or other support
4 for any labor organization. ~~Nothing in this Act or any~~
5 ~~other law precludes a public employer from making an~~
6 ~~agreement with a labor organization to require as a~~
7 ~~condition of employment the payment of a fair share under~~
8 ~~paragraph (c) of Section 6;~~

9 (3) to discharge or otherwise discriminate against a
10 public employee because he has signed or filed an
11 affidavit, petition or charge or provided any information
12 or testimony under this Act;

13 (4) to refuse to bargain collectively in good faith
14 with a labor organization which is the exclusive
15 representative of public employees in an appropriate unit,
16 including, but not limited to, the discussing of grievances
17 with the exclusive representative;

18 (5) to violate any of the rules and regulations
19 established by the Board with jurisdiction over them
20 relating to the conduct of representation elections or the
21 conduct affecting the representation elections;

22 (6) to expend or cause the expenditure of public funds
23 to any external agent, individual, firm, agency,
24 partnership or association in any attempt to influence the
25 outcome of representational elections held pursuant to
26 Section 9 of this Act; provided, that nothing in this

1 subsection shall be construed to limit an employer's right
2 to internally communicate with its employees as provided in
3 subsection (c) of this Section, to be represented on any
4 matter pertaining to unit determinations, unfair labor
5 practice charges or pre-election conferences in any formal
6 or informal proceeding before the Board, or to seek or
7 obtain advice from legal counsel. Nothing in this paragraph
8 shall be construed to prohibit an employer from expending
9 or causing the expenditure of public funds on, or seeking
10 or obtaining services or advice from, any organization,
11 group, or association established by and including public
12 or educational employers, whether covered by this Act, the
13 Illinois Educational Labor Relations Act or the public
14 employment labor relations law of any other state or the
15 federal government, provided that such services or advice
16 are generally available to the membership of the
17 organization, group or association, and are not offered
18 solely in an attempt to influence the outcome of a
19 particular representational election; or

20 (7) to refuse to reduce a collective bargaining
21 agreement to writing or to refuse to sign such agreement.

22 (b) It shall be an unfair labor practice for a labor
23 organization or its agents:

24 (1) to restrain or coerce public employees in the
25 exercise of the rights guaranteed in this Act, provided,

26 (i) that this paragraph shall not impair the right of a

1 labor organization to prescribe its own rules with respect
2 to the acquisition or retention of membership therein ~~or~~
3 ~~the determination of fair share payments~~ and (ii) that a
4 labor organization or its agents shall commit an unfair
5 labor practice under this paragraph in duty of fair
6 representation cases only by intentional misconduct in
7 representing employees under this Act;

8 (2) to restrain or coerce a public employer in the
9 selection of his representatives for the purposes of
10 collective bargaining or the settlement of grievances; or

11 (3) to cause, or attempt to cause, an employer to
12 discriminate against an employee in violation of
13 subsection (a) (2);

14 (4) to refuse to bargain collectively in good faith
15 with a public employer, if it has been designated in
16 accordance with the provisions of this Act as the exclusive
17 representative of public employees in an appropriate unit;

18 (5) to violate any of the rules and regulations
19 established by the boards with jurisdiction over them
20 relating to the conduct of representation elections or the
21 conduct affecting the representation elections;

22 (6) to discriminate against any employee because he has
23 signed or filed an affidavit, petition or charge or
24 provided any information or testimony under this Act;

25 (7) to picket or cause to be picketed, or threaten to
26 picket or cause to be picketed, any public employer where

1 an object thereof is forcing or requiring an employer to
2 recognize or bargain with a labor organization of the
3 representative of its employees, or forcing or requiring
4 the employees of an employer to accept or select such labor
5 organization as their collective bargaining
6 representative, unless such labor organization is
7 currently certified as the representative of such
8 employees:

9 (A) where the employer has lawfully recognized in
10 accordance with this Act any labor organization and a
11 question concerning representation may not
12 appropriately be raised under Section 9 of this Act;

13 (B) where within the preceding 12 months a valid
14 election under Section 9 of this Act has been
15 conducted; or

16 (C) where such picketing has been conducted
17 without a petition under Section 9 being filed within a
18 reasonable period of time not to exceed 30 days from
19 the commencement of such picketing; provided that when
20 such a petition has been filed the Board shall
21 forthwith, without regard to the provisions of
22 subsection (a) of Section 9 or the absence of a showing
23 of a substantial interest on the part of the labor
24 organization, direct an election in such unit as the
25 Board finds to be appropriate and shall certify the
26 results thereof; provided further, that nothing in

1 this subparagraph shall be construed to prohibit any
2 picketing or other publicity for the purpose of
3 truthfully advising the public that an employer does
4 not employ members of, or have a contract with, a labor
5 organization unless an effect of such picketing is to
6 induce any individual employed by any other person in
7 the course of his employment, not to pick up, deliver,
8 or transport any goods or not to perform any services;
9 or

10 (8) to refuse to reduce a collective bargaining
11 agreement to writing or to refuse to sign such agreement.

12 (c) The expressing of any views, argument, or opinion or
13 the dissemination thereof, whether in written, printed,
14 graphic, or visual form, shall not constitute or be evidence of
15 an unfair labor practice under any of the provisions of this
16 Act, if such expression contains no threat of reprisal or force
17 or promise of benefit.

18 (Source: P.A. 86-412; 87-736.)